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15 *Attorneys for Defendant
16 Sam's West, Inc.*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 AISHEH SAYED-AHMAD, individually,

Case No.:

20 Plaintiff,

[District Court, Clark County Case No.: A-21-
843817-C, Dept. No.: IV]

21 v.
22 SAM'S WEST, INC., a Delaware Corporation
23 doing business as SAM'S CLUB; DO9ES I -V;
24 and ROE CORPORATIONS, VI – X, inclusive,

**DEFENDANT SAM'S WEST, INC.'S
PETITION FOR REMOVAL OF CIVIL
ACTION**

25 Defendants.

JURY DEMAND

26 COMES NOW, Petitioner SAM'S WEST, INC. ("Sam's Club" or "Defendant"), by and through
27 counsel of record, the law offices of PHILLIPS, SPALLAS & ANGSTADT, LLC, and hereby submits
28 the following memorandum in support of its Petition for Removal of Jurisdiction to Federal Court:

I.

29 Petitioner is the only true Defendant named in the above-captioned action.

II.

30 The above-entitled action was commenced by Plaintiff AISHEH SAYED-AHMAD (hereinafter
31 "Plaintiff") on November 8, 2021, in the Eighth Judicial District in and for Clark County, District of

1 Nevada. This case is currently pending in that court. Plaintiff served her Summons on Defendant on
2 November 10, 2021. True and correct copies of Plaintiff's operative Complaint and Summons are
3 attached hereto as **Exhibit "A" and "B,"** respectively. Petitioner filed a timely Answer on November
4 30, 2021. A true and correct copy of Petitioner's Answer is attached hereto as **Exhibit "C."** Plaintiff's
5 Complaint provides includes a statement that Plaintiff has incurred bills in "excess of \$75,000.00." Ex.
6 A, ¶16. This allegation clearly shows that the amount in controversy meets the \$75,000.00 jurisdictional
7 requirement.

8 III.

9 This Petition is filed pursuant to 28 U.S.C. § 1446(b).

10 IV.

11 This is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332(a) and
12 is one which may be removed to this Court by Petitioner, pursuant to 28 U.S.C. § 1441(a).

13 V.

14 Petitioner is informed, believes, and thereon alleges that Plaintiff is, and was at the time this
15 action was commenced, a citizen of the State of Nevada.

16 VI.

17 Petitioner is, and was, at the time this action was commenced, a Delaware corporation with its
18 principal place of business in the State of Arkansas. As such, Petitioner is a citizen of the State of
19 Delaware and State of Arkansas.

20 VII.

21 The above-entitled civil action is for personal and economic damages Plaintiff allegedly incurred
22 after she slipped and fell at Sam's Club Store No. 6382 located at 7175 Spring Mountain Road, Las
23 Vegas, NV (Clark County).

24 VIII.

25 A copy of Petitioner's Petition for Removal of Civil Action, seeking removal of the above-
26 entitled action to the United States District Court, District of Nevada, together with a copy of the
27 Summons and Plaintiff's Complaint, have been deposited with the Deputy Clerk in the County Clerk's
28 office for the Eighth Judicial District Court in and for Clark County, Nevada.

IX.

True and correct copies of all pleadings and papers served upon Petitioner in the above-entitled action are filed herewith.

X.

This Petition is filed with the Court within thirty (30) days after Petitioner first learned that Plaintiff is seeking reimbursement of medical expenses totaling at least \$75,000.00 as is evidenced by ¶16 of Plaintiff's Complaint. (Exhibit "A.") Plaintiff's Complaint is the "first paper" referencing the fact that Plaintiff is seeking damages that clearly exceed the \$75,000.00 federal diversity jurisdiction threshold.

PRAYER

WHEREFORE, Petitioner prays that the above-entitled action be removed from the Eighth Judicial District Court in and for Clark County, Nevada, to this Court.

DATED this 1st day of December, 2021.

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Latisha Robinson

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*Attorneys for Defendant
Sam's West, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2021, I served a true and correct copy of the foregoing, **DEFENDANT SAM'S WEST, INC.'S PETITION FOR REMOVAL OF CIVIL ACTION**, as follows:

- By facsimile addressed to the following counsel of record, at the address listed below:
- By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- By Hand Delivery (ROC); and/or
- By Electronic Filing/Service Notification to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
JOSHUA L. BENSON, ESQ. Nevada Bar No. 10514 BENSON ALLRED 6250 N. Durango Drive Las Vegas, Nevada 89149	Phone: 702-820-0000 Fax: 702-820-1111	Plaintiff

/s/ Joshua J. Kephart

An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC